

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF OKLAHOMA

(1) ROPER HARRIS, )  
)  
Plaintiff, )  
)  
-vs- ) Case No. 22-CV-187-RAW-KEW  
)  
(2) MCCURTAIN COUNTY JAIL )  
TRUST; )  
)  
(3) BOARD OF COUNTY )  
COMMISSIONERS OF MCCURTAIN )  
COUNTY, OKLAHOMA; )  
)  
(4) SCOTT McLAIN, individually )  
and in his official )  
capacity as McCurtain )  
County Jail Administrator; )  
)  
(5) KEVIN CLARDY, individually )  
and in his official )  
capacity as McCurtain )  
County Sheriff; and )  
)  
(6) RICHARD WILLIAMSON; )  
)  
(7) ALICIA MANNING; )  
)  
(8) BRANDON STANSBURY; )  
)  
(9) JOE EBERT; and )  
)  
(10) CODY JOHNSON; )  
in their official and )  
individual capacities, )  
)  
Defendants. )



VIDEO DEPOSITION OF CHRISTOPHER CODY JOHNSON

MARCH 19, 2024

1 THE VIDEOGRAPHER: Today is March 19, 2024.  
2 This is the video deposition of Cody Johnson in  
3 Case No. 22-CV-187. We are on the record at 10:26.  
4 The court reporter will now administer the oath.

5  
6 CHRISTOPHER CODY JOHNSON,  
7 being first duly sworn to tell the truth, the whole  
8 truth and nothing but the truth, testified as follows:

9  
10 DIRECT EXAMINATION

11 BY MR. CAMP:

12 Q. Sir, could you please state your full name for the  
13 record.

14 A. Christopher Cody Johnson.

15 Q. Mr. Johnson, what is your present address?

16 A. 402 Southeast Avenue I, Idabel, Oklahoma.

17 Q. And your phone number?

18 A. (580) 306-5062.

19 Q. And, sir, have you ever given a deposition before?

20 A. No, sir.

21 Q. I'll go over a couple of ground rules real quick to  
22 acclimate you. First and foremost, whenever you're  
23 answering questions, please use a verbal yes or no  
24 rather than an uh-huh or an uh-uh or a head shake  
25 or a head nod.

1 A. Yes, sir.

2 Q. That way we're certain that the court reporter is  
3 getting down what you intended to convey; okay?

4 A. Yes, sir.

5 Q. I will -- I would ask that you would let me  
6 completely ask my question before you begin your  
7 answer and, likewise, I will let you completely  
8 finish your answer before I begin my next question.

9 A. Yes, sir.

10 Q. And if I haven't done so, will you agree to let me  
11 know that you had not finished your answer?

12 A. Yes.

13 Q. Okay. If you don't understand any of the questions  
14 that I've asked, which is to say either you heard  
15 the words that I spoke and didn't understand what  
16 they meant or you didn't hear the words that I  
17 spoke, please have me rephrase or reask the  
18 question until you do understand; okay?

19 A. Yes, sir.

20 Q. That way if you answer a question, we can safely  
21 assume that you understood the question that was  
22 asked; okay?

23 A. Yes, sir.

24 Q. You're free to take a break at any time during this  
25 deposition. The only thing that I would ask is

1       that if there's a question pending, that the  
2       pending question be answered or responded to before  
3       taking a break; okay?

4     A.   Yes, sir.

5     Q.   Do you have any questions of me before we get  
6       underway?

7     A.   No, sir.

8     Q.   Okay.  Sir, what did you do to prepare for today's  
9       deposition?

10    A.   Spoke with my attorney.

11    Q.   Did you review any documents?

12    A.   Yes, sir.

13    Q.   What documents did you review, sir?

14    A.   Just statements.

15    Q.   Have you seen the OSBI summary of the interview  
16       that you gave to them on September 24, 2021?

17    A.   No.

18    Q.   Have you seen the transcript of the interview that  
19       you did with the OSBI?

20    A.   Yes.

21    Q.   Is that one of the statements that you looked over?

22    A.   Yes.

23    Q.   Did you -- and I'm not trying to be rude, but would  
24       you speak up just to make sure --

25    A.   Yes.

1 Q. -- the court reporter hears you?

2           Okay. What other statements did you look at?

3 A. Joe, Brandon's and Scott's.

4 Q. Was it the transcript of their OSBI interviews?

5 A. Yes.

6 Q. Were there any other statements either from those  
7 individuals or summarizing what those individuals  
8 had said that you looked at?

9 A. Can you repeat that? I'm sorry.

10 Q. Yeah. You looked at the transcripts of the  
11 interviews that Mr. McLain, Mr. Ebert and  
12 Mr. Stansbury gave to the OSBI; correct?

13 A. Correct.

14 Q. Did you look at any other statements or summaries  
15 of statements by any of those individuals?

16 A. No, sir.

17 Q. Okay. Any other statements that you looked at in  
18 preparation for today's deposition?

19 A. No, sir.

20 Q. Any other documents that you looked at in  
21 preparation for today's deposition?

22 A. No, sir.

23 Q. Did you look at any phone records?

24 A. No.

25 Q. So we previously mentioned the interview that you

1       gave to the OSBI on September 24, 2021. Do you  
2       remember giving that interview?

3       A. Yes.

4       Q. Turn with me, if you would, to this notebook.

5       These are premarked exhibits. So if I say, for  
6       example, "Turn to Exhibit 21," that would be  
7       synonymous with turn to Tab 1. So let's do that  
8       right now.

9               MR. MCALESTER: What tab did you say, Counsel?

10              MR. CAMP: 21.

11       Q. (By Mr. Camp) Is this -- is Exhibit 21 in front of  
12       you now, sir?

13       A. Yes.

14       Q. And is this the transcript of the interview that  
15       you reviewed in preparation for today's deposition?

16       A. On advice of Counsel, I'd like to invoke my Fifth  
17       Amendment privilege.

18       Q. Okay. Understanding that you've done that, I'm  
19       going to -- I'm going to continue to ask questions  
20       and you'll need to invoke that with each question.

21       A. Yes, sir.

22              MR. CAMP: I mean, you agree there's no  
23       blanket invocation of the privilege; right,  
24       Counsel?

25              MR. MCALESTER: I agree.

1 MR. CAMP: Okay.

2 Q. (By Mr. Camp) I just wanted to say that so you  
3 don't think I'm sitting here wasting everybody's  
4 time.

5 A. Yes, sir.

6 Q. Okay. So with respect to your interview that was  
7 given to the OSBI, there was an OSBI and an FBI  
8 agent in this interview on September 24th; is that  
9 right?

10 A. On advice of Counsel, I'd like to invoke my Fifth  
11 Amendment privilege.

12 Q. Did you give the statements that are set forth in  
13 Exhibit 21 under oath?

14 A. I invoke my Fifth Amendment privilege.

15 Q. Do you stand by the statements that you -- that  
16 you made and are reflected in Exhibit 21 today?

17 A. I invoke my Fifth Amendment privilege.

18 Q. Do you swear today that the statements that you  
19 made in Exhibit 21 are true and correct, to the  
20 best of your knowledge?

21 A. I invoke my Fifth Amendment privilege.

22 Q. Did you lie to the FBI and/or OSBI agents in that  
23 interview?

24 A. I invoke my Fifth Amendment privilege.

25 Q. Let's -- just kind of keep your place with that and

1 turn back to Exhibit 10 real quick if you would.

2 And I'll represent to you, sir, that Exhibit  
3 10 is a copy of the First Amended Complaint that  
4 was filed in this case by my client, Roper  
5 Harris -- or filed on his behalf rather.

6 Have you seen this document before?

7 A. Yes, sir.

8 Q. And on March the 15th of 2023 on your behalf, your  
9 attorney filed an answer to this First Amended  
10 Complaint. Are you aware of that?

11 A. Yes.

12 Q. And in that answer it goes through and for each one  
13 of the numbered paragraphs, it generally admits or  
14 denies the matters set forth in the corresponding  
15 paragraph. Are you aware of that?

16 A. Yes.

17 MR. MCALESTER: I object to the form of the  
18 question.

19 You can answer.

20 A. Yes.

21 Q. (By Mr. Camp) Did you look over the answer that  
22 was filed on your behalf prior to it being filed  
23 with the Court?

24 A. I invoke my Fifth Amendment privilege.

25 Q. As far as you know, were the answers -- or the



1 responses set forth in the answer that was filed on  
2 your behalf on March the 15th, 2023, true and  
3 correct?

4 A. I invoke my Fifth.

5 Q. On page 14 of Exhibit 10, I would turn your  
6 attention to paragraph 67. Do you see that?

7 A. Yes.

8 Q. And that reads (as read), "Upon information and  
9 belief, and except as alternatively pled herein, at  
10 all times relevant hereto, Johnson was acting  
11 within the scope of his employment as a jailer,  
12 slash, detention officer at McCurtain County Jail."

13 Did I read that right?

14 A. Yes.

15 Q. And in your answer that was filed on March 15,  
16 2023, you admit that allegation --

17 A. I -- I'm sorry. Finish, please.

18 Q. So do you -- do you stand by the admission that you  
19 gave in your answer?

20 A. I invoke my Fifth.

21 Q. Okay. Now, let's go back to Exhibit 21 again --  
22 actually, you know what? Since we're all the way  
23 back here, first, let's flip back to Exhibit 1.

24 And at the bottom of the page in the middle  
25 there are page numbers that say OSBI, dash, and